

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

HUBERT W. SMITH AND JOYCE F. SMITH

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv515-LTS-RHW

RIMKUS CONSULTING GROUP, INC.,  
THOMAS E. HEIFNER, P.E., INDIVIDUALLY,  
PAUL D. COLEMAN, INDIVIDUALLY,  
GARY L. BELL, INDIVIDUALLY, AND  
MERITPLAN INSURANCE COMPANY

DEFENDANTS

**ORDER**

In accordance with a Memorandum Opinion filed contemporaneously herewith, **IT IS ORDERED:**

Defendant Gary L. Bell's [5] (also docketed at [9]) Motion to Dismiss for Lack of Jurisdiction under Fed. R. Civ. P. 12(b)(2) is **DENIED**;

Defendant Thomas E. Heifner's [28] Motion to Dismiss for Lack of Jurisdiction under Fed. R. Civ. P. 12(b)(2) is **DENIED**;

Defendant Rimkus Consulting Group, Inc.'s [6] Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) is **DENIED**;

Defendant Gary L. Bell's [6] Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) is **DENIED**;

Because Defendant Paul D. Colman (incorrectly identified in the pleadings as "Coleman") has been voluntarily dismissed [16], his [6] Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) is **DENIED AS MOOT**;

Defendant Thomas E. Heifner's [29] Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) is **DENIED**;

Defendant Rimkus Consulting Group, Inc.'s [50] Motion to Amend Answer to Assert Cross-Claim is **GRANTED**;

Defendant Gary L. Bell's [51] Motion to Amend Answer to Assert Cross-Claim is **GRANTED**;

Defendant Thomas E. Heifner's [52] Motion to Amend Answer to Assert Cross-Claim is  
**GRANTED.**

**SO ORDERED** this the 12<sup>th</sup> day of September, 2006.

*s/L. T. Senter, Jr.*

L. T. Senter, Jr.

Senior Judge